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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,094	02/04/2000	KARI REPONEN	PM266020	1466
909	7590	03/12/2004	EXAMINER	
PILLSBURY WINTHROP, LLP			WAXMAN, ANDREW	
P.O. BOX 10500			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102			2667	12
DATE MAILED: 03/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/485,094	REPONEN, KARI
Examiner	Art Unit	
Andrew M Waxman	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 November 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5,8-14,17 and 18 is/are rejected.

7)  Claim(s) 6,7,15 and 16 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 5, 8 – 14, 17, and 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 5, 8 – 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazur et al. (US 6,072,792), hereinafter referred to as Mazur, in view of Halonen (US 5,487,185).

Regarding claims 1 – 5, 9, 10 – 14, and 18, Mazur discloses a power control method and apparatus (FIG. 2) for a TDMA transmitter to be used in a GPRS network (see col. 1:46 – 1:55), including at least two transmitters (38-1 – 38-n), a controlling part, a switching field (control circuit 54), wherein the control part determines the transmission power at which each time slot are transmitted; the transmission power level being higher (FIG. 5 '78') than the normal transmission power (76). See col. 6:50 – 7:17.

Mazur does not disclose alternately using two different transmitters.

Halonen discloses a method and base station (FIG. 3) including at least two transceivers (TX1 – TX4), wherein the time slots, including a control channel (see abstract), are transmitted at a transmission power higher than normal (power at which traffic carrier is transmitted) alternately using two different transmitters. See Abstract.

Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to include the method and apparatus for alternately using two transmitters, as disclosed by Halonen, into the invention as disclosed by Mazur.

One of ordinary skill in the art would have been motivated to do this in order to extend the life expectancy of the transmitters. See Halonen Abstract.

Regarding claims 8 and 17, Mazur in view of Halonen discloses all of the limitations as recited above with respect to claims 1 and 10.

Mazur in view of Halonen does not expressly disclose using at least two antennas for transmission.

Although, Mazur in view of Halonen does not expressly disclose using at least two antennas for transmission, this would clearly allow for a lower probability of collisions within the communication system, and furthermore allow for easier expansion, providing more bandwidth for communications, when required. Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to include two antennas into the method and apparatus as disclosed by Mazur in view of Halonen.

One of ordinary skill in the art would have been motivated to do this in order to provide a more reliable communication system.

***Allowable Subject Matter***

Claims 6, 7, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M Waxman whose telephone number is (703) 305-8086. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew M. Waxman

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 3/5/04